

materials” such as “polyethylene” around “tree trunks”, column 1. Subject independent claims 1 and 21 and 22 claim “A barrier implement intended for obstructing a route of travel of crawling arthropods along a passageway, comprising a sheet configured to circumscribe a passageway along which arthropods crawl ..... wherein the sheet is configured to circumscribe a passageway defined by a utility wall plate abutting a wall”, claim 1, “the sheet is configured to circumscribe a passageway defined by an exterior surface of a narrow or elongated structure and provide a vermin impervious obstruction to the arthropods crawling along the narrow or the elongated structure”, claim 21, and “a dimension of said sheet sized relative to said passageway, wherein the barrier implement is configured to correspond to a flange”, claim 22. None of these claimed features are described, taught, nor suggested by Manak. Thus, removal of the Manak reference is respectfully requested.

Claims 2, 3 were rejected to under sec. 103 as being unpatentable over Manak as applied to the rejection of claim 1 above. Claims 2 and 3 are dependent claims dependent upon claim 1. For the reasons presented above, Manak does not describe, teach, nor suggest the claimed features of “A barrier implement intended for obstructing a route of travel of crawling arthropods along a passageway, comprising a sheet configured to circumscribe a passageway along which arthropods crawl ..... wherein the sheet is configured to circumscribe a passageway defined by a utility wall plate abutting a wall”, claim 1. Thus, removal of the rejection under sec. 103 is respectfully requested.


Claims 7, 16-18, 20 were rejected under sec. 103 as being unpatentable over Manak in view of Ritter. The rejection of claims 16-18 and 20 is now moot since these claims have been canceled. Ritter describes a “rodent exclusion device”, title, having a “flexible strip of material having sharp protruding crowns....”, abstract. Claim 7 is a dependent claim that depends upon independent claim 1. Ritter does not overcome the deficiencies to Manak described above. Ritter does not describe, teach, nor suggest the claimed features of “A barrier implement intended for obstructing a route of travel of crawling arthropods along a passageway, comprising a sheet configured to circumscribe a passageway along which arthropods crawl ..... wherein the

sheet is configured to circumscribe a passageway defined by a utility wall plate abutting a wall", claim 1. Thus, removal of the rejection under sec. 103 is respectfully requested.

Applicant contends the references cannot be modified to incorporate the features of subject claims 1-7, 9-11 and 21-23 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

In view of the foregoing considerations, it is respectfully urged that the subject amendment be entered and claims 1-7, 9-11 and 21-23 be allowed. Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;

  
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